

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA
Plaintiff

V.

JUAN R. FELICIANO MONTALVO
Defendant

CRIMINAL NO. 06-58(JAG)

REPORT AND RECOMMENDATION

On this date defendant appeared before the undersigned to plea guilty to Counts I, II and III of the indictment charging him with violating of 18 U.S.C. §§ 471 and 472. Defendant was represented by AFPD Joannie Plaza, with whom he is satisfied with her representation. The government, in turn, was represented by AUSA Myriam Fernandez. The parties duly executed a consent form permitting the undersigned to take defendant's plea, which was a straight one.

Upon examining defendant throughout the proceeding, the undersigned finds him competent to enter a plea. Defendant was advised at the hearing of the minimum and maximum statutory penalties he faces. He was further advised that the sentencing judge has the authority to sentence him within those parameters, at the Court's discretion, and that the plea agreement is not binding on the Court. More so, once he is sentenced, defendant may not withdraw his plea simply because he is not satisfied with the sentence imposed upon him. The undersigned also advised defendant of the constitutional rights he waives by entering a guilty plea.

17 Upon inquiry by the Court, defendant accepted all the elements of the offenses outlined in
18 Counts I, II and III of the indictment, as well as the fact that he acted knowingly, willfully and
 intentionally.

19 It is thus recommended by the undersigned that defendant's guilty plea be accepted, and sentence be imposed upon him accordingly.

This report and recommendation is issued pursuant to 28 U.S.C. § 636 and Local Rule 72(d).

SO RECOMMENDED

In San Juan, Puerto Rico, this 5th of May, 2006

S/ Gustavo A. Gelpí

GUSTAVO A. GELPI
United States Magistrate-Judge